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FILED

29 March 2006

**PHYSICIAN ASSISTANT
 ADVISORY COMMITTEE**

James R. O'Neal

STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 STATE BOARD OF MEDICAL EXAMINERS
 PHYSICIAN ASSISTANT ADVISORY COMMITTEE

IN THE MATTER OF
 THE LICENSE OF:

GARY PETNER, PA-C

TO PRACTICE AS A PHYSICIAN
 ASSISTANT IN THE STATE OF
 NEW JERSEY

Administrative Action

**ORDER OF UNRESTRICTED
 LICENSE**

This matter was originally opened before the New Jersey State Board of Medical Examiners (the "Board") in 2003 upon referral from the Physicians' Assistant Advisory Committee on an application for initial licensure as a physician assistant from respondent Gary Petner, PA. Respondent truthfully disclosed on his application that, ten (10) years prior in May 1993, in the United States District Court for the Eastern district of Pennsylvania he had pled guilty to and was thereby convicted on three drug related charges: conspiracy to possess with intent to distribute cocaine,

unlawful use of a communication facility, and possession with intent to distribute cocaine.

Respondent subsequently appeared before the Credentials Committee of the Board on February 24, 2003, and then testified under oath concerning the events which occurred leading to his prior arrest and conviction. Respondent admitted in his testimony before the Board that, prior to his arrest and after he was released from his 12 month period of incarceration in 1994, he used illegal drugs, including cocaine and methamphetamine. He further testified that he had intermittent use of cocaine until February 1999 when coincident with his acceptance into the Physician assistant Program at Beaver college (Arcadia University), he ceased using cocaine. Respondent testified that he had contact with a counselor at Beaver college who was a major influence in his recovery. He received his Physician Assistant degree in 2001.

Respondent enrolled in the Physicians' Health Program of the Medical society of New Jersey (the "PHP") on October 31, 2002. Within the PHP position statement provided at the time of initial licensure, it was noted that respondent completed 60 hours of a Drug Education Program and Alcoholics Anonymous in 1994. It was further noted that while respondent at that time had absolute abstinence from all psychoactive substances since February 1999, unfortunately then there was no urine monitoring during that period to document respondent's sobriety. Since respondent enrolled in

the PHP he has had twice-weekly urine screens with negative results for the presence of psychoactive substances. The PHP represented that respondent was a suitable candidate for licensure in New Jersey. The Board at that time determined that respondent Gary Petner, P.A. had rehabilitated himself and was then suitable for licensure to practice as a physician assistant in New Jersey, notwithstanding his prior conviction. However the Board at that time concluded that as a condition of licensure, respondent was required to participate in a monitoring program with the PHP.

In early 2006 respondent petitioned the Physician Assistant Advisory Committee for termination of the monitoring conditions embodied in the April 22, 2003 Consent Order of Licensure. In support of his petition he submitted a position statement from the (PAP) Professionals Assistant Program advocating for an unrestricted license. Respondent also provided documentation of sustained recovery and abstinence from all psychoactive substances and alcohol since entry of the 2003 Order including; quarterly reports from the PAP regarding respondent's progress in recovery and urine screens which are negative for mood altering substances.

Respondent appeared and testified before the PAAC with a representative of the PAP as to his successful rehabilitation and compliance with the 2003 Order. The Committee found that respondent demonstrated full compliance with the Consent Order and

has documented more than three (3) years of continued sobriety while licensed. Furthermore, his criminal conduct and use of illegal drugs predated his education as a PA and occurred over a decade ago. Additionally, in his testimony before the Committee he stated he has maintained absolute abstinence from mood altering substances since 1999. The Committee believed him to be credible, his support network strong and he appeared to be committed to lifelong rehabilitation. Therefore the Committee was of the opinion that the monitoring provisions imposed in the prior Order are no longer necessary to protect the public interest.

The Committee recommended and the full Board of Medical Examiners ratified the determination to terminate the Consent Order of Licensure and grant respondent an unrestricted license to practice as a physician assistant in the State of New Jersey.

IT IS THEREFORE on this 18th day of March, 2006,

ORDERED:

1. Gary Petner is granted an unrestricted license to practice as a Physician Assistant in the State of New Jersey.

PHYSICIAN ASSISTANT ADVISORY COMMITTEE

By: George Argast PA-C
George Argast, PA-C
President